IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MDL No. 3014

IN RE: PHILIPS RECALLED CPAP,	:	Master Docket: Misc. No. 21-mc-1230-JFC
-------------------------------	---	---

BI-LEVEL PAP, AND MECHANICAL:

VENTILATOR PRODUCTS

LITIGATION

: SHORT FORM COMPLAINT FOR
This Document Relates to: PERSONAL INJURIES, DAMAGES,

Teresa Marie Meitl : AND DEMAND FOR JURY TRIAL

DIRECT FILED PURSUANT TO PRETRIAL ORDER #28

Plaintiff(s) incorporate(s) by reference the Amended Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial filed in *In re Philips Recalled CPAP*, *Bi-Level PAP*, and Mechanical Ventilator Products Litigation, MDL No. 3014, Master Docket Misc. No. 21-mc-1230 (the "Master Long Form Complaint"). This Short Form Complaint adopts the allegations, claims, and requested relief as set forth in the Master Long Form Complaint. As necessary herein, Plaintiff(s) may include: (a) additional claims and allegations against Defendants; and/or (b) additional claims and allegations against other Defendants not listed in the Master Long Form Complaint.

Plaintiff(s) further allege(s) as follows:

I. DEFENDANTS

1.	Plaintiff(s) name(s) the following Defendants in this action:
	✓ Koninklijke Philips N.V.
	Philips North America LLC.
	Philips RS North America LLC.

		Philips Holding USA Inc.
		Philips RS North America Holding Corporation.
		Polymer Technologies, Inc.
		Polymer Molded Products LLC.
П.	PLAI	NTIFF(S)
	2.	Name of Plaintiff(s): Teresa Marie Meitl
	3.	Name of spouse of Plaintiff (if loss of consortium claim is being made):
	4.	Name and capacity (i.e., executor, administrator, guardian, conservator, etc.) of other Plaintiff, if any:
	5.	State(s) of residence of Plaintiff(s) (if the Recalled Device user is deceased, residence at the time of death): Missouri
III.	DESI	GNATED FORUM
	6.	Identify the forum (United States District Court and Division) in which the Plaintiff would have filed in the absence of direct filing: United States District Court for the Western District Of Missouri

IV. USE OF A RECALLED DEVICE

7. Plaintiff used the following Recalled Device(s):

E30 (Emergency Use Authorization)	Dorma 500
DreamStation ASV	REMstar SE Auto
DreamStation ST, AVAPS	Trilogy 100
SystemOne ASV4	Trilogy 200
C-Series ASV	Garbin Plus, Aeris, LifeVent
C-Series S/T and AVAPS	A-Series BiPAP Hybrid A30 (not marketed
OmniLab Advanced +	in U.S.)
SystemOne (Q-Series)	A-Series BiPAP V30 Auto
✓ DreamStation	A-Series BiPAP A40
DreamStation Go	A-Series BiPAP A30
Dorma 400	Other Philips Respironics Device; if other,
	identify the model:
V. INJURIES	
8. Plaintiff alleges the following Device together with the attendather with:	g physical injuries as a result of using a Recalled dant symptoms and consequences associated
COPD (new or worsening)	
Asthma (new or worsening	g)
Pulmonary Fibrosis	
Other Pulmonary Damage	/Inflammatory Response
Cancer	(specify cancer)
Kidney Damage	
Liver Damage	

VI.

	Heart Damage		
	Death		
	Other (specify) Breathing Difficulty		
CAU	SES OF ACTION/DA	AMAGES	
9.	in the Master Long I	nilips N.V., Plaintiff(s) adopt(s) the following claims asserted Form Complaint for Personal Injuries, Damages and Demand ne allegations and prayer for relief with regard thereto, as set	
	Count I:	Negligence	
	✓ Count II:	Strict Liability: Design Defect	
	✓ Count III:	Negligent Design	
	✓ Count IV:	Strict Liability: Failure to Warn	
	Count V:	Negligent Failure to Warn	
	Count VI:	Negligent Recall	
	Count VII:	Battery	
	Count VIII:	Strict Liability: Manufacturing Defect	
	Count IX:	Negligent Manufacturing	
	Count X:	Breach of Express Warranty	
	Count XI:	Breach of the Implied Warranty of Merchantability	
	✓ Count XII:	Breach of the Implied Warranty of Usability	
	Count XIII:	Fraud	
	Count XIV:	Negligent Misrepresentation	

	✓ Count XV:	Negligence Per Se
	Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
	Count XVII:	Unjust Enrichment
	Count XVIII:	Loss of Consortium
	Count XIX:	Survivorship and Wrongful Death
	Count XX:	Medical Monitoring
	✓ Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
10.	asserted in the Mast	h America LLC, Plaintiff(s) adopt(s) the following claims for Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
	✓ Count I:	Negligence
	✓ Count II:	Strict Liability: Design Defect
	✓ Count III:	Negligent Design
	✓ Count IV:	Strict Liability: Failure to Warn
	✓ Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	✓ Count VIII:	Strict Liability: Manufacturing Defect
	✓ Count IX:	Negligent Manufacturing

✓ Count X:	Breach of Express Warranty
✓ Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
✓ Count XV:	Negligence Per Se
✓ Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
asserted in the Maste	orth America LLC, Plaintiff(s) adopt(s) the following claims or Long Form Complaint for Personal Injuries, Damages and all, and the allegations and prayer for relief with regard thereto
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn

11.

Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
Count XXI:	Punitive Damages
Count XXII:	Other [specify below]

12.

As to Philips Holding USA Inc., Plaintiff(s) adopt(s) the following claims asserted

in the Master Long I for Jury Trial, and the forth therein:	Form Complaint for Personal Injuries, Damages and Demand he allegations and prayer for relief with regard thereto, as set
Count I:	Negligence
Count II:	Strict Liability: Design Defect
Count III:	Negligent Design
Count IV:	Strict Liability: Failure to Warn
Count V:	Negligent Failure to Warn
Count VI:	Negligent Recall
Count VII:	Battery
Count VIII:	Strict Liability: Manufacturing Defect
Count IX:	Negligent Manufacturing
Count X:	Breach of Express Warranty
Count XI:	Breach of the Implied Warranty of Merchantability
Count XII:	Breach of the Implied Warranty of Usability
Count XIII:	Fraud
✓ Count XIV:	Negligent Misrepresentation
Count XV:	Negligence Per Se
✓ Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring

Count XXI: Punitive Damages

	Count XXII:	Other [specify below]
13.	following claims ass	North America Holding Corporation, Plaintiff(s) adopt(s) the serted in the Master Long Form Complaint for Personal Injuries, and for Jury Trial, and the allegations and prayer for relief with et forth therein:
	✓ Count I:	Negligence
	Count II:	Strict Liability: Design Defect
	Count III:	Negligent Design
	Count IV:	Strict Liability: Failure to Warn
	Count V:	Negligent Failure to Warn
	Count VI:	Negligent Recall
	Count VII:	Battery
	Count VIII:	Strict Liability: Manufacturing Defect
	Count IX:	Negligent Manufacturing
	Count X:	Breach of Express Warranty
	Count XI:	Breach of the Implied Warranty of Merchantability
	Count XII:	Breach of the Implied Warranty of Usability
	✓ Count XIII:	Fraud
	✓ Count XIV:	Negligent Misrepresentation
	Count XV:	Negligence Per Se

✓ Count XVI:	Consumer Fraud and/or Unfair and Deceptive Practices Under State Law
Count XVII:	Unjust Enrichment
Count XVIII:	Loss of Consortium
Count XIX:	Survivorship and Wrongful Death
Count XX:	Medical Monitoring
✓ Count XXI:	Punitive Damages
Count XXII:	Other [specify below]
asserted in the Maste	chnologies, Inc., Plaintiff(s) adopt(s) the following claims er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
asserted in the Maste Demand for Jury Tria as set forth therein:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
asserted in the Maste Demand for Jury Tria as set forth therein:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence
asserted in the Maste Demand for Jury Tria as set forth therein:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto,
asserted in the Maste Demand for Jury Tria as set forth therein: Count I: Count II:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect
asserted in the Maste Demand for Jury Tria as set forth therein: Count I: Count II: Count III:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design
asserted in the Master Demand for Jury Tria as set forth therein: Count I: Count II: Count III: Count IV:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn
asserted in the Maste Demand for Jury Tria as set forth therein: ✓ Count I: ✓ Count II: ✓ Count IV: ✓ Count IV:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn
asserted in the Master Demand for Jury Tria as set forth therein: ✓ Count I: ✓ Count II: ✓ Count IV: ✓ Count IV: ✓ Count V:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect
asserted in the Master Demand for Jury Tria as set forth therein: ✓ Count I: ✓ Count II: ✓ Count III: ✓ Count IV: ✓ Count V: ✓ Count VIII:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing
asserted in the Master Demand for Jury Tria as set forth therein: ✓ Count I: ✓ Count II: ✓ Count III: ✓ Count IV: ✓ Count V: ✓ Count VIII: ✓ Count XIII:	er Long Form Complaint for Personal Injuries, Damages and al, and the allegations and prayer for relief with regard thereto, Negligence Strict Liability: Design Defect Negligent Design Strict Liability: Failure to Warn Negligent Failure to Warn Strict Liability: Manufacturing Defect Negligent Manufacturing Fraud

Loss of Consortium
Survivorship and Wrongful Death
Medical Monitoring
Punitive Damages
Other [specify below]
ed Products LLC, Plaintiff(s) adopt(s) the following claims or Long Form Complaint for Personal Injuries, Damages and l, and the allegations and prayer for relief with regard thereto,
Negligence
Strict Liability: Design Defect
Negligent Design
Strict Liability: Failure to Warn
Negligent Failure to Warn
Strict Liability: Manufacturing Defect
Negligent Manufacturing
Fraud
Negligent Misrepresentation
Unjust Enrichment
Loss of Consortium
Survivorship and Wrongful Death

	Count XXI:	Punitive Damages
	Count XXII:	Other [specify below]
16.	Complaint for Perso above, the additional Plaintiff(s) assert(s)	against the Defendants identified in the Master Long Form onal Injuries, Damages and Demand for Jury Trial are alleged al facts, if any, supporting these allegations must be pleaded. In the following additional factual allegations against the ed in the Master Long Form Complaint for Personal Injuries, and for Jury Trial:
17.	Plaintiff(s)' damage	(s) that additional parties may be liable or responsible for salleged herein. Such additional parties, who will be hereafter endants, are as follows (must name each Defendant and its

18.	Plaintiff(s) assert(s) the following additional claims and factual allegations again	IS
	other Defendants named in Paragraph 16 above:	

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial and any additional relief to which Plaintiff(s) may be entitled.

Date: <u>Jun 1 2023</u>

/s/ Darren Wolf

Darren Wolf Texas Bar No. 24072430 Law Office of Darren Wolf, P.C. 1701 N. Market Street, Suite 210 Dallas, Texas 75202 Phone: (214) 346-5355 Fax: (214) 346-5909

darren@darrenwolf.com

ATTORNEY FOR PLAINTIFF(S)